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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,841	12/11/2003	Scott Broussard	AUS920031011US1(4032)	2183
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IBM CORPORATION (JSS) C/O SCHUBERT OSTERRIEDER & NICKELSON PLLC 6013 CANNON MOUNTAIN DRIVE, S14 AUSTIN, TX 78749			EXAMINER NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,841	Applicant(s) BROUSSARD ET AL.	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is the answer to the Appeal Brief received on 10/18/05.
2. Claims 1-24 are pending in this application. Independent claims 1, 11, and 19 are currently amended.

Response to Amendment

3. This Office Action is Non-Final; the examiner withdrawn the Final Rejection issued on 5/18/2005 because applicants' Declaration invalidates Trossen as a reference (US Pat. Application Publication 2005/0059410 A1). The examiner respectfully submits a new ground of rejections with a different reference to substitute for Trossen et al.. Please note that the language of pending claim 22 never affirm that a particular location is a different location as argued on page12 line 11 (in the REMARKS submitted on 2/15/05) – therefore, it can be interpreted that a particular location could be a current location, and this is suggested by Whitham).
4. The Appeal Brief confirms that in claim 1 "a current location differential information" can merely be a distance (see para.3 on page 5/31); this allows a broader interpretation for a stronger rejection on 35 USC 102(b) presented herein, rather than previous 35 USC 103(a) rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. **Claims 1, 22, and 24 are rejected under 35 U.S.C. § 102(e) as being anticipate by Whitham (US Pat. 6,526,351).**

A. As for independent claims 1, and 22: Whitham teaches a method for providing information (see Whitham, the abstract), comprising:

- receiving from a user at a current location information and a particular, different location (note: the patented interactive multimedia guide produces a distance by using 2 different locations (a differential information i.e., Whitham teaches about using a DeLorme Earthmate® receiver for the Palm(R) PDA - see Whitham, Fig.5);
- determining the current location (Whitham teaches about using a DeLorme Earthmate® receiver for the Palm® PDA - GPS enabled map program via GIS (see Whitham, Fig.8A ref. 801; col.2 lines 54-63, and col.4 lines 24-37);
- determining a particular location based on the current location and the differential information (i.e., a business name within 25 miles from a current location - using GPS enabled map program via GIS - see Whitham, col.2 lines 54-63 and col.3 lines 20-42);
- providing a location-based service (i.e., Whitham teaches about using an interactive multimedia tour guide – this proves that a service is currently in effect, see Whitham, col.3 lines 60-63); and
- transmitting/displaying information to the user – this task is inherent with Whitham's system (see Whitham, Fig.3E shows transmitting signals comprising information).

B. As to claim 24: Whitham teaches that a location-based service may be an information service providing information related to a particular location (Whitham teaches about using an interactive tour guide having a DeLorme Earthmate® receiver for the Palm(R) PDA - see Whitham, Figs. 5,

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and 7). That interactive device comprises wirelessly transmitting a request for a location-based service and wirelessly receiving results from a location-based service (see Whitham, Figs. 8A-8C).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2-5, 7-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitham (US Pat. 6,526,351), in view of Bodin et al. (US Pat. 6,813,559 B1).**

A. As for claims 5, 11, 15, 17-19, and 21: Whitham teaches a method, a medium containing instruction to perform said method, and an apparatus for utilizing a location-based service (see Whitham, the abstract), comprising:

- receiving from a user at a current location information and a particular, different location (note: the patented interactive multimedia guide produces a distance by using 2 different locations (Whitham teaches about using a differential information i.e., from a DeLorme Earthmate® receiver for the Palm(R) PDA - see Whitham, Fig. 5);

a. determining the current location (Whitham teaches about using a DeLorme Earthmate® receiver for the Palm® PDA - GPS enabled map program via GIS (see Whitham, Fig. 8A ref. 801; col.2 lines 54-63, and col.4 lines 24-37);

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- b. determining a particular location based on the current location and the differential information (i.e., a business name within 25 miles from a current location - using GPS enabled map program via GIS (see Whitham, col.2 lines 54-63 and col.3 lines 20-42);
- c. - providing a location-based service (i.e., Whitham teaches about using an interactive multimedia tour guide, see Whitham, col.3 lines 60-63); and
- d. transmitting/displaying information to a user (see Whitham, Fig.3E for a suggestion of that claimed feature as an exchange of communication).

Whitham does not disclose about a height of a location.

However, using GPS and a PDA device as taught by Bodin et al., to indicate a coordinate of an UAV including a height/altitude (see Bodin et al., Fig.1, col.5 lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of invention to include extra coordination: altitude coordination as recommended by Bodin et al. for the benefit of completely providing 3-dimension coordination of an object using GPS to a user (such as 3-D coordination of a car parking on a mountain).

B. As to claims 2-3, 16, and 20: Whitham also teaches about transmitting directional information comprises an indication of digital compass direction between a current location and a different location (see Whitham, col.15 lines 18-21).

C. As to claim 4: Whitham inherently teaches about directional information comprising an angle of turn/rotation (i.e., showing a map with a 90-degree right-turn direction to follow a direction – see Whitham Fig.5, ref.52).

D. As to claim 7, and 14: Whitham teaches about transmitting a request for rating information (see Whitham, Fig.2 ref. 204) – claim 7 is directed to a method; therefore, “the

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location-based service is a ratings service” is considered as a non-functional descriptive material; that “particular information” do not change the claimed step of using a location-based service to perform steps of claim 1.

Claim 14 is directed to an apparatus; therefore, transmitting away data to a “specific” location was suggested by Whitham, not necessary for an intent of use such as transmitting a response “as part of the request for rating information”.

E. As to claim 8: Whitham inherently teaches that a location-based service may be a mapping service (with the use of DeLorme Earthmate® receiver for the Palm® PDA - GPS enabled map program via GIS (see Whitham, Fig. 7; col.2 lines 54-63, col.3 lines 61-62, and col.4 lines 24-37);

F. As to claims 9-10, and 13: Whitham teaches that a location-based service may be an information service providing information related to a particular location (an interactive tour guide using a DeLorme Earthmate® receiver for the Palm(R) PDA - see Whitham, Figs. 5, and 7). That interactive device comprises wirelessly transmitting a request for a location-based service and wirelessly receiving results from a location-based service (see Whitham, Figs. 8A-8C).

G. As to claim 12: It contains limitations of claim 1 and claim 2; therefore, the same rationales and reference of Whitham are applied as set forth for a 35 USC 103(a) rejection.

H. As to claim 23: It contains limitations of claim 2, and claim 5; therefore, the same rationales and references for 35 USC 103(b) rejections are also applied as set forth.

7. Dependent claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitham (US Pat. 6,526,351), in view of Bodin et al. (US Pat. 6,813,559 B1).

The rationales and reference for claim 1 rejection are incorporated.

Whitham does not disclose about a height of a location.

However, using GPS and a PDA as Bodin et al. suggest to indicate a coordinate of an UAV - including a height/altitude (see Bodin et al., Fig.1, col.5 lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of invention to include extra coordination: an altitude coordination as recommended by Bodin et al. for the benefit of completely providing 3-dimension coordinations of an object using GPS including a height of an object comparing to a sea level (for example, indicating complete coordinates of a car parking on a mountain).

Conclusion


8. Claims 1-24 are not patentable.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:00 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661